GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Prisons Department – Death of C.T. Prisoner No:48 Uppada Gowri Shankar @Shankar S/o Ramabangaraiah on 30.07.2024 - **Sri P. Kusha Kumar, Jailor, Central Prison, Visakhapatnam** and (6) others–Exhibited misconduct and gross negligence - Initiation of Departmental Proceedings under **Rule 20 A.P. Civil Services (CC&A) Rules 1991 read with rule 24 of APCS (CC&A) Rules, 1991 – Articles of charges – Issued**.

HOME (PRISONS & FIRE) DEPARTMENT

G.O.RT.No. 175 Dated: 29-01-2025
Read:

From the Director General of Prisons and Correctional Services, Andhra Pradesh, Mangalagiri vide Lr. No. Estt-2/442/2024, Dated: 26.11.2024**.**

***

ORDER:

Whereas, it is proposed to hold an inquiry against **Sri P. Kusha Kumar, Jailor, Central Prison, Visakhapatnam**in accordance with procedure laid down under **Rule 20 A.P. Civil Services (CC&A) Rules 1991 read with rule 24 of APCS (CC&A) Rules, 1991** for exhibiting misconduct and gross negligence in approving shifting of a newly admitted prisoner, convict prisoner CT No.48 Uppada Gowri Shankar S/o Rambangaraiah to regular prisoners barracks on the very next day of his admission, which resulted the death of the said prisoner by hanging himself on 30.07.2024 at Central Prison, Visakhapatnam.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I). A list of documents by which and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure. II and III).

3. **Sri P. Kusha Kumar, Jailor, Central Prison, Visakhapatnam** is hereby directed to submit a written statement of his defense within (10) days from the date of receipt of this memo and also to state whether he desires to be heard in person.

4. **Sri P. Kusha Kumar, Jailor, Central Prison, Visakhapatnam**is informed that an enquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. **Sri P. Kusha Kumar, Jailor, Central Prison, Visakhapatnam** is further informed that if he does not submit his written statement of defense on or before the date specified in para-3 above, or otherwise fails to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991, or the orders/directions issued in pursuance of the said rules, further action will be processed based on the material available.

(P.T.O)

6. Attention of **Sri P.Kusha Kumar, Jailor, Central Prison, Visakhapatnam** is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation received on his behalf from another person in respect of any matter dealt with in these Proceedings it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. Receipt of the memorandum shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri P. Kusha Kumar, Jailor, Central Prison, Visakhapatnam through
the Director General of Prisons and Correctional Services,
Andhra Pradesh, Managalagiri.

Copy to:-

The Director General of Prisons and Correctional Services, Andhra Pradesh, Managalagiri
with a request to serve this memo on the charged officer
under proper acknowledgement.

//FORWARDED:: BY ORDER//

SECTION OFFICER

Annexure I

(G.O.Rt.No.175, Home (Prisons & Fire) Department, Dated: 29.01.2025)

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINSTSRI P.KUSHA KUMAR, JAILOR, CENTRAL PRISON, VISAKHAPATNAM

Article of Charge :

"That the said Sri P. Kusha Kumar, Jailor, Central Prison, Visakhapatnam, exhibited misconduct and gross negligence in approving shifting of a newly admitted prisoner, convict prisoner CT No. 48, Uppada Gowri Shankar, S/o Rambangaraiah, from quarantine barrack to regular prisoners barracks on the very next day of his admission into Central Prison, Visakhapatnam, in violation of established procedures which resulted in suicide attempt of convict prisoner, CT No.48 Uppada Gowri Shankar, S/o Rambangaraiah by hanging himself in Godavari Barrack of Central Prison, Visakhapatnam on 30-7-2024 and also led to death of the prisoner . This action on part of the charged officer, amounting to violation of Rule No. 88, 153&245 of the A.P. Prison Rules, 1979 and Rule 3 of the A.P.C.S. Conduct Rules, 1964.

Basis of Charge:

One Convict Prisoner No. 48 Uppada Gowri Shankar @ Sankar, S/o Rambangaraiah was convicted and sentenced to R.I. for (20) years and to pay a fine of Rs. 10,000/- i/d SI for three months U/s 3(a) r/w 4 of POCSO ACT in SC No. 151/2020 on the file of Hon'ble Special Judge, POCSO Court, Visakhapatnam on 25-07-2024 and admitted in Central Prison, Visakhapatnam on the same day. This charged officer has approved the shifting of this prisoner from Quarantine Block to Godavari Barrack on 26-07-2024 without adhering to the procedures.

In the above incident the following lapses are observed**.**

1. Rule 245 of Andhra Pradesh Prisons Rules, 1979, stipulates that every newly admitted prisoner shall be subjected to such period of quarantine as the Superintendent, on the advice of the Medical Officer, shall direct. In this case, it is observed that the Charged Officer has approved the swift transfer of the Convict Prisoner No. 48 Uppada Gowri Shankar from the quarantine block to the Godavari Block on the very next day of his admission into the prison, without approval from the Medical Officer. The purpose of retaining prisoners for a considerable period in the quarantine block before transferring them to regular barracks is primarily to ensure the mental wellbeing of the prisoner and to acclimatize the prisoner to the prison conditions. It also functions as a security measure, giving the prison authorities the opportunity to evaluate the behavior of the new prisoner and to ensure that such prisoners do not pose a threat to themselves or others. This process minimizes the chances of suicides among prisoners by identifying those who may need additional support and counseling.

P.T.O

2. Rule 88 of Andhra Pradesh Prison Rules, 1979 clearly stipulates that every officer shall make himself fully acquainted with the rules and regulations relating to his office and no plea of ignorance will be accepted as an excuse for neglect. Yet, the charged officer clearly acted without application of his mind and approved the removal of the prisoner from quarantine block to prisoners barracks without following procedures.

3. Rule 153 of the Andhra Pradesh Prison Rules, 1979 stipulates that the Jailor is the Chief Executive Officer of the Jail and under the supervision of the Superintendent of Jails, is generally responsible for the observance of all prescribed rules and orders and for the supervision and daily allotment of work to the subordinate staff. The office of DG Prisons, AP vide **Memo No.EA4/1364/2002, Dated. 31-08-2002**and the Range Office, Coastal Andhra Range vide **Memo No.DIG(CAR)/AO/575/2023, Dated. 13-04-2023** issued clear instructions to adopt "2-Shift System" of guarding instead of "3-Shift System" of guarding in institutions where there is shortage of guarding staff. In spite of the issued instructions and knowing pretty well of the shortage of guarding staff and the prisoner overcrowding in Central Prison, Visakhapatnam, the charged officer being the Jailor, being pretty well aware of the overcrowding in the prison and shortage of guarding staff, must have suggested the Superintendent of Prisons to adopt 2-Shift System of Guarding instead of the already existing 3-Shift System of Guarding. Had 2-Shift System of guarding was adopted in Central Prison, Visakhapatnam, there would have been a greater number of guarding staff members in the Central Prison and the prisoner movements could have been effectively monitored and this could have prevented the suicide attempt by the convict prisoner. The failure in assessing the guarding staff requirement in an overcrowded Central Prison and deliberate disobedience to Head Office and Range Office instructions have resulted in the convict prisoner attempting suicide and thereafter dying. This is clearly a failure on part of the charged officer and shows his inefficiency in managing a prison institution.

4. Thus he has violated Rule No. 88, 153 & 245 of the A.P. Prison Rules, 1979 and Rule 3 of A.P.C.S. Conduct Rules, 1964.

Hence, the **Charge**.

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE II

(G.O.Rt.No.175, Home (Prisons & Fire) Department, Dated: 29.01.2025)

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI P. KUSHA KUMAR, JAILOR, CENTRAL PRISON, VISAKHAPATNAM ARE PROPOSED TO BE SUSTAINED

1. Statement of Sri S.Kamalakar, Deputy Superintendent of Jails, Central Prison, Visakhapatnam working on attachment at Central Prison, Kadapa.
2. Statement of Sri R. Chinna Rao, Jailor, Central Prison, Visakhapatnam
3. Statement of Sri Y.Simhachalam Naidu, Deputy Jailor, Central Prison, Visakhapatnam
4. Statement of Sri L.V.S. Naidu, Deputy Jailor, Central Prison, Visakhapatnam
5. Statement of Sri D.V. Ramana Murthy, Head Warder, Sub-Jail, Managalaigri working on attachment at Central Prison, Visakhapatnam
6. Nominal Roll of CT No.48 Uppada Gowri Shankar @ Shankar, S/o Rama Bangaraiah
7. Statement of Sri Vanapalli Vasudeva Rao, Warder, Central Prison, Visakhapatnam
8. Convict Prisoner Disposal Register Dt. 26-07-2024 of Central Prison, Visakhaptnam.
9. Memo No.EA4/1364/2002, Dated.31-08-2002 of office of the DG Prisons, AP
10. Memo No.DIG(CAR)/AO/575/2023, Dated. 13-04-2023 of Range Office, Coastal Andhra Range.
11. Inquest report, dated 31.07.2024 on the deceased prisoner, CT No. 48, Uppada Gowri Shankar S/o Rambangaraiah.

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE III

(G.O.Rt.No.175, Home (Prisons & Fire) Department, Dated: 29.01.2025)

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGES FRAMED AGAINST SRI P. KUSHA KUMAR, JAILOR, CENTRAL PRISON, VISAKHAPATNAMARE PROPOSED TO BE SUSTAINED

1. Sri S.Kamalakar, Deputy Superintendent of Jails, Central Prison, Visakhapatnam working on attachment at Central Prison, Kadapa.
2. Sri R. Chinna Rao, Jailor, Central Prison, Visakhapatnam
3. Sri Y.Simhachalam Naidu, Deputy Jailor, Central Prison, Visakhapatnam
4. Sri L.V.S. Naidu, Deputy Jailor, Central Prison, Visakhapatnam
5. Sri D.V. Ramana Murthy, Head Warder, Sub-Jail, Managalaigri working on attachment at Central Prison, Visakhapatnam
6. Sri Vanapalli Vasudeva Rao, Warder, Central Prison, Visakhapatnam

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT